



Planning Committee C

Report title:

70 THORPEWOOD AVENUE, LONDON, SE26 4BY

Date: 28 February 2022

Key decision: No

Class: Part 1

Ward(s) affected: Forest Hill

Contributors: Zahra Rad

Outline and recommendations

This report sets out the officer's recommendation of approval for the above proposal subject to conditions and informatives

The report has been brought before the committee for a decision due to the submission of two objections from neighbouring properties and one objection from the Sydenham Society

Application details

Application reference number: DC/21/124062

Application Date: 21 Dec 2021

Applicant: A0 Design Studio

Proposal: Construction of a single storey rear extension with alteration to the ground floor rear fenestration at 70 THORPEWOOD AVENUE, LONDON, SE26, together with a loft extension comprising a dormer and installation of a rooflight to the rear.

Background Papers: (1) Submitted drawings
(2) Submitted photos
(3) Statutory consultee responses

Designation: PTAL 3/4

Screening: N/A

1 SITE AND CONTEXT

Site description and current use

- 1 The application relates to a two storey end of terrace single family dwelling/house on the Southern side of Thorpewood Avenue, at No 70. The property has a large back garden, and a small original rear projection.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



Map 1 Site Location Plan

Character of area

- 2 The area is predominantly residential in nature and comprises of a mix of terraced properties, and semi-detached dwellings.



Figure 1 Aerial View of the Application Site

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Heritage/Archaeology

- 3 The property is located within the Forest Hill Conservation Area, it is not a listed building or a non-designated heritage asset nor is it in the vicinity of one.

Transport

- 4 The site falls within PTAL of 3/4, which represents good access to public transport. Forest Hill train station is located 0.65km / 9 minutes' walk from the site.

2 RELEVANT PLANNING HISTORY

- 5 **DC/21/120366** - Construction of a single storey rear extension and a two dormers one to the side and one to the rear at 70 THORPEWOOD AVENUE, LONDON, SE26, together with alteration to the first floor rear fenestration and installation of 2 rooflights to the front. Refused 09 Apr 2021 for the following reasons:
- The side dormer and the rooflights would be visible from Thorpewood Road, and would harm the distinctive character of the host building and diminish its contribution to the special qualities of the conservation area and the streetscene. In addition, the proposed rear extension and the rear dormer due to its height and bulk would harm the character of the host building. Therefore, the proposed scheme is contrary to Policy 15 'High quality design for Lewisham' and Policy 16 'Conservation areas, heritage assets and the historic environment' of the Lewisham Core Strategy (2011); DM Policy 31 'Alterations and extensions to existing buildings including residential extensions', DM Policy 36 'New development, changes of use and alterations affecting designated heritage assets and their setting: conservation areas, listed buildings, schedule of ancient monuments and registered parks and gardens' of the of the Development Management Local Plan (2014); and the Alterations and Extensions Supplementary Planning Document (2019).

3 CURRENT PLANNING APPLICATION

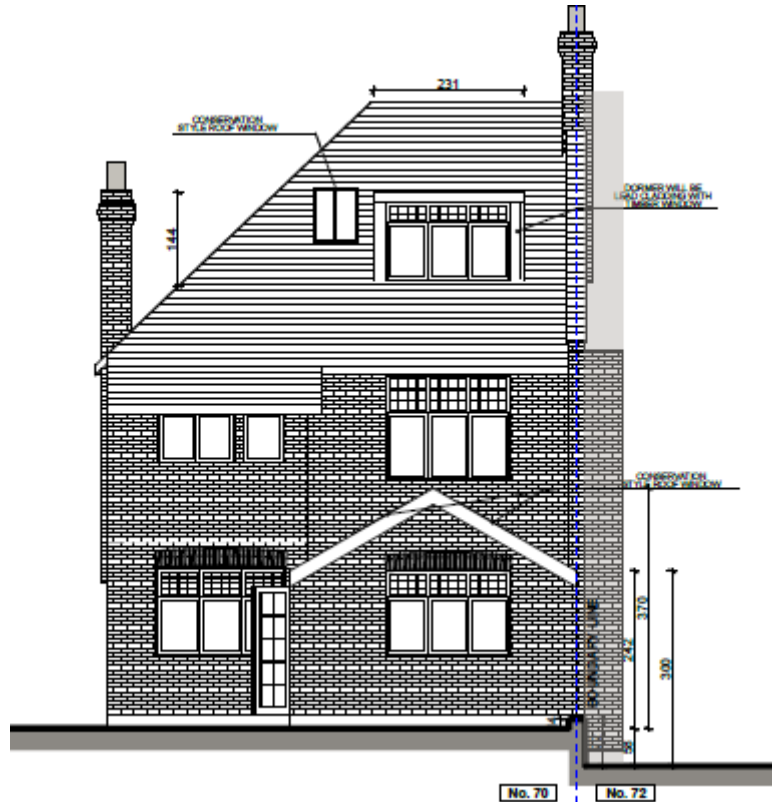
3.1 THE PROPOSALS

- 6 The Proposal is for construction of a single storey rear extension with alteration to the ground floor rear fenestration, plus a loft extension comprising a dormer and installation of a rooflight to the rear.
- 7 *Single Storey Rear Extension*; the single storey rear extension, would extend the main building to a depth of 3.9m and a width of 4m. The extension would be 3m from the rear elevation of the existing extension at No 72 with an eaves height of 2.4m. The proposed rear extension would have a window on its rear elevation and a 4 slat folding door on the side facing No 68. The proposed extension would have a double sloped roof with two rooflights on each side of the roof.

Is this report easy to understand?

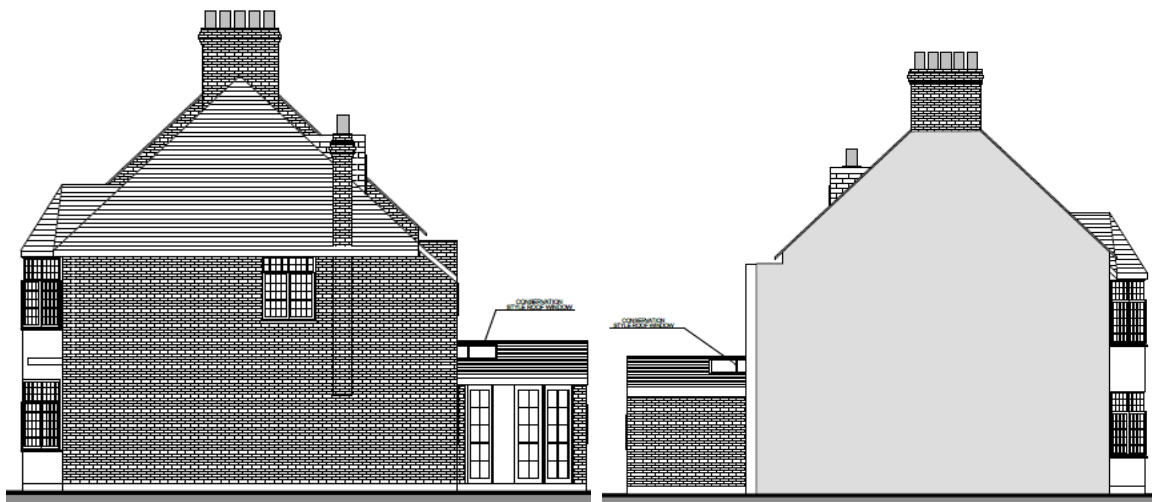
Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>



Drawing 1 Proposed Rear Elevations

- 8 Loft Extension: The proposed loft extension would consist of a dormer projecting towards the back garden by a depth of 1.5m, a width of 2.6m and height of 1.4m with a flat roof. A conservation style rooflight would be installed to the rear of the sloped roof.



Drawing 2 Proposed Side Elevations

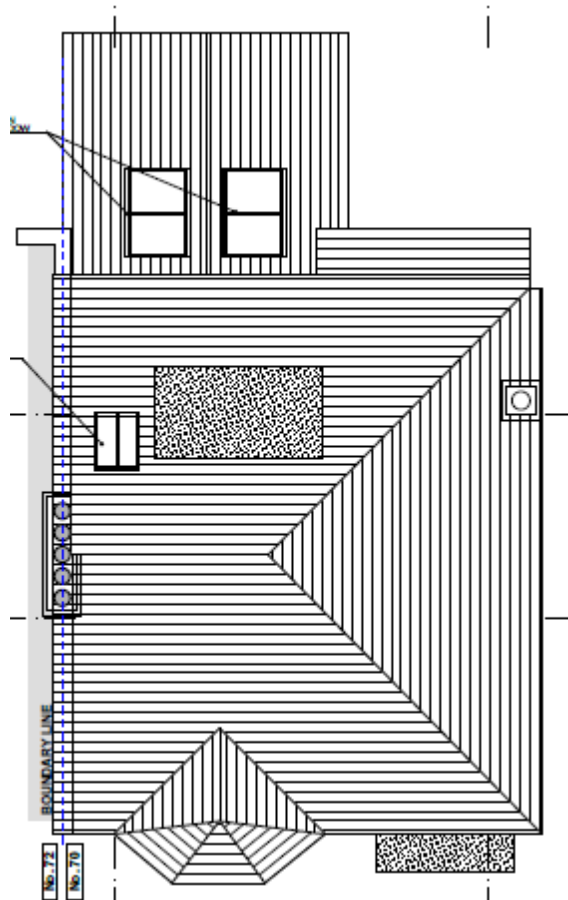
- 9 Materials: The facing walls would be yellow London stock brickwork to match existing with weathered coping stones to the parapet walls, dormer will be lead cladding with

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

timber, doors would be dark grey aluminium framed, and the roof tiles would match the existing.



Drawing 3 Roof Plan

3.2 REVISIONS

- 10 The eaves height of the rear extension was reduced to 2.4m from 3.7m, along shared boundary with No 72.
- 11 The width of the dormer was reduced from 3.5m to 2.61m, and it's the depth from 2.3m to 2.14m and the height from 2.1m to 1.4m.
- 12 The proposed rooflight to the side was removed.

3.3 COMPARISON WITH PREVIOUS SCHEME

- 13 The refused proposal under planning application ref DC/21/120366 had rooflights to the front and large dormer and single storey extension to the rear. With the current scheme, the rooflights to the front are removed and the size of the dormer and the rooflight to the rear are reduced. The size and the roof profile of the single storey rear extension have also been reduced as well.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

4 CONSULTATION

4.1 APPLICATION PUBLICITY

- 14 Site notices were published on 10 Nov 2021.
- 15 Letters were sent to residents and businesses in the surrounding area, the relevant ward Councillors and Sydenham Society on 02 Nov 2021
- 16 Three responses were received, comprising two objections from adjacent neighbours and one from the Sydenham Society.

4.1.1 Objection

Objections	Para where addressed
<i>Urban Design</i>	
No-one else has added such a rear extension to their property. It would change the feel of these properties.	49
The proposed changes are not in line with Article 4 of the conservation area.	50
Bulky extension would detract from the character of the host building	40 and 44
<i>Impact on the conservation area</i>	
The set of houses Nos 60 to 92 are distinctive group that has no alteration and the extension would undermine the unity	49 and 52
Inadequate Heritage And Design & Access Statement	52
<i>Living conditions of neighbours</i>	
The dormer and rear extension would provide overlooking and loss of privacy to the immediate neighbours and the rear garden slopes upwards	62
Have concerns as to the degree of noise by the extension and bio-fold doors toward No 68	63
Changes in light levels and outlook	59 and 60
<i>Natural environment</i>	
Harm to the wild life and ecology of the area	71
<i>Other matters</i>	
The additional weight that would result from the construction, could increase the likelihood of subsidence in either the short- or long-term	65

4.1.2 Comments in support

- 17 None

4.2 INTERNAL CONSULTATION

- 18 Conservation Officer: Raised objections to the initial proposal, but after the submitted amendments raised no objections.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

4.3 EXTERNAL CONSULTATION

19 No external consultees

5 POLICY CONTEXT

5.1 LEGISLATION

20 Planning applications are required to be determined in accordance with the statutory development plan unless material considerations indicate otherwise (S38(6) Planning and Compulsory Purchase Act 2004 and S70 Town & Country Planning Act 1990).

5.2 MATERIAL CONSIDERATIONS

21 A material consideration is anything that, if taken into account, creates the real possibility that a decision-maker would reach a different conclusion to that which they would reach if they did not take it into account.

22 Whether or not a consideration is a relevant material consideration is a question of law for the courts. Decision-makers are under a duty to have regard to all applicable policy as a material consideration.

23 The weight given to a relevant material consideration is a matter of planning judgement. Matters of planning judgement are within the exclusive province of the LPA. This report sets out the weight Officers have given relevant material considerations in making their recommendation to Members. Members, as the decision-makers, are free to use their planning judgement to attribute their own weight, subject to aforementioned directions and the test of reasonableness.

5.3 NATIONAL POLICY & GUIDANCE

- National Planning Policy Framework 2021 (NPPF)
- National Planning Policy Guidance 2014 onwards (NPPG)
- National Design Guidance 2019 (NDG)

5.4 DEVELOPMENT PLAN

24 The Development Plan comprises:

- London Plan (March 2021) (LP)
- Core Strategy (June 2011) (CSP)
- Development Management Local Plan (November 2014) (DMP)
- Site Allocations Local Plan (June 2013) (SALP)
- Lewisham Town Centre Local Plan (February 2014) (LTCP)
- Site Allocations Local Plan (June 2013)

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

5.5 SUPPLEMENTARY PLANNING GUIDANCE

25 Lewisham SPG/SPD:

- Alterations and Extensions Supplementary Planning Document (April 2019)
- Forest Hill Conservation Area character appraisal

26 London Plan SPG/SPD:

- Character and Context (June 2014)
- The control of dust and emissions during construction and demolition (July 2014)

6 PLANNING CONSIDERATIONS

27 The main issues are:

- Principle of Development
- Urban Design and Heritage Assets
- Impact on Adjoining Properties
- Natural Environment

6.1 PRINCIPLE OF DEVELOPMENT

General policy

28 The National Planning Policy Framework (NPPF) at paragraph 11, states that there is a presumption in favour of sustainable development and that proposals should be approved without delay so long as they accord with the development plan.

29 The London Plan (LP) sets out a sequential spatial approach to making the best use of land set out in LP GG2 (Parts A to C) that should be followed.

6.1.1 Principle of development conclusions

30 The Development Plan is generally supportive of people extending or altering their homes. The principle of development is supported, subject to details.

6.2 URBAN DESIGN and IMPACT on HERITAGE ASSETS

General Policy

31 The NPPF at para 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

32 CSP 15 outlines how the Council will apply national and regional policy and guidance to ensure highest quality design and the protection or enhancement of the historic and

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

natural environment, which is sustainable, accessible to all, optimises the potential of sites and is sensitive to the local context and responds to local character.

- 33 DMLP 30 states that all new developments should provide a high standard of design and should respect the existing forms of development in the vicinity. The London Plan, Core Strategy and DMLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality urban design.
- 34 DMP 31 states that extensions will not be permitted where they would adversely affect the architectural integrity of a group of buildings as a whole or cause an incongruous element in terms of the important features of a character area.
- 35 DMP 36 echoes national and regional policy and summarises the steps the borough will take to manage changes to Conservation Areas, Listed Buildings, Scheduled Ancient Monuments and Registered Parks and Gardens so that their value and significance as designated heritage assets is maintained and enhanced.

Discussion

- 36 DMP 30 requires planning applications to demonstrate a site-specific response, which creates a positive relationship with the existing townscape whereby the height, scale, and mass of the proposed development relates to the urban typology of the area.

Appearance and character

- 37 The proposed single storey rear extension, the dormer and the rooflights would not be visible from Thorpewood Avenue, or any public road. The scheme would not be visually obtrusive from the car parking area at the back of the properties on Round Hill due to the difference in levels and the size of the back garden at No 70. It is noted that the dormer would set down from the ridge of the host property by 1.4m, and given the brick wall at the bottom of the back garden, and the existing greenery, the proposed scheme it is unlikely to have any adverse visual impact on the character of the conservation area.
- 38 It should be noted that a similar loft extension including a dormer to the rear has been granted under planning application DC/21/120470 in 2021 at No 76, which is under construction.



Figure 2 View from the Garages at the back

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

39 *Rear Extension:* the proposed scheme has been assessed regarding the general guidance of sub-paragraphs 4.2 'Single Storey Rear Extensions' of the Alterations and Extensions SPD which sets out the following guidance:

- *Alterations within conservation areas should be of the highest quality design using high quality materials. The rear building line, the size of the rear garden and the prevailing characteristics of adjoining properties should all be taken into account.*

Rear extensions should:

- *Remain clearly secondary to the host building in terms of location, form, and scale and detailing.*
- *Respect the original design and architectural features of the existing building.*
- *Have a ridge height visibly lower than the sill of the first floor windows (2 to 3 brick courses) and roof pitches to complement those of the main building.*

40 The initial proposal was revised. The proposed single storey would extend from the rear elevation of the main building and is considered to be a half width extension. It would extend 3m beyond the rear projection at No 72 with a height of 2.4m along shared boundary. The pitched roof would set down from the window sill at the first floor by 0.25m (2 brick course). The proposed windows would be the same size and style of the one at the first floor which would retain the harmony of the fenestration at the rear. These are considered in line with SPD guidance and are acceptable.

41 The proposed bi-fold door to the side would be acceptable in terms of design and style as following the existing type of the windows to the rear elevation (for the amenity impact on No 68, please see below).

42 The existing door to the rear of the projection would be removed and the existing window would be widened, with similar size and style of the windows at the first floor. The alterations to the ground floor fenestration to the rear would not be visible from any road and is supported. It is noted that there are different alteration to the rear of these terraced houses, and therefore the proposed rear extension is considered acceptable.

43 *Loft Extension:* the proposed development has been assessed regarding the general guidance of sub-paragraphs 5.5 'Loft conversions and roof lights', and 5.8 'Rear roof extensions' of the Alterations and Extensions SPD which sets out the following guidance:

- Traditional dormer windows were smaller in size than the windows on the elevations below the dormer and thereby reflected the hierarchy between floors.
- Dormer windows should be modest in size and of simple, complementary design, remaining subordinate to the building and the windows below the roof.
- They must sit well clear of ridge, verges, eaves, chimneys and gables, and should be centrally placed on the roof slope, or aligned with the windows below the roof.
- Set down from the ridge line. This is to ensure that long views are not disrupted'.

44 The proposed dormer location would respect the guidance as it sets in from ridge and sides. The window would be in similar style as windows on the rear elevation, however

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

the height of the window would be smaller than the windows at the rear elevation, thus respecting the hierarchy of the host building. The rooflight is considered as small which would set in from the side ridge by a minimum of 0.4m. This is considered to be in line with the SPD guidance.

- 45 Objections were raised regarding the impact of the proposal on the character of the host building. However, given the size and style of the proposed rear extension and the dormer, the proposed materials, and the fact that the scheme would not be visible from the main road, and it complies with the SPD guidance, on balance, the impact is not considered adverse and is acceptable.

Detailing and Materials

- 46 The material would match the existing, as shown on the plans and stated on the applications form. Details of proposed windows and doors have been provided. Although, the proposed materials are considered acceptable, should the council grant permission, a condition would be imposed to ensure the high quality of the material.



Figure 3 REAR VIEW OF THE PROPOSAL SITE

Impact on Heritage Assets

Policy

- 47 The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes the duty on local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance on conservation areas. This is also reflected in the NPPF (February 2019) and supporting NPPG (2014), and requires all development to conserve or enhance heritage assets and their setting and avoid causing harm. Heritage assets may be designated—including Conservation Areas, Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, archaeological remains—or non-designated.
- 48 The development plan policies that support those aims are HC1, CS Policy 16 and DMLP Policy DM36.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Discussion

- 49 The application site does not include any listed buildings but it is located in Forest Hill Conservation Area. It is also considered that the application building is within a collection of terraced houses which have been addressed in the Forrest Hill Character Area Appraisal as 'A notable example (Nos. 60-92), which are fine houses set high above the street with steep, well-planted front gardens. They have survived nearly unaltered with the original doors, clay tile roofs and fine leaded windows still in place'. It should be noted that the emphasis is on the front elevations and the street scene. The proposed development would not alter any element of the front elevation.
- 50 The Sydenham Society raised objections to the proposed scheme including the dormer and rear extension with reference to the Forrest Hill Character Area Appraisal and the impact of the proposal on changing the character of the terrace by altering their Design.
- 51 Revisions has been carried out, including reducing the size of the dormer and the rear extension, and the rooflight was removed. The bulk and size of the dormer and the rear extension would be in line with SPD guidance, and Conservation Officers raised no objection to the proposal.
- 52 Planning Officers note that the historic pattern of development which is strongly repetitive is insensitive to this extension although it is acknowledged that it will obscure the pattern of recess and projection. However, no harm has been identified to the conservation area, as the rear's of these properties due to the location, has no contribution to the character and appearance of the conservation area, and there will be no views of the proposed development from the public realm. Therefore as Article 4 is essentially concerned with the visual characteristics of the conservation area and the visibility of properties in the CA, the proposed scheme is supported.

Conclusion

- 53 The NPPF and associated NPPG guide the local planning authorities to balance the harm (weight as indicated) against the benefit of the proposal. As identified in the above analysis, due to the nature of harm and given that it is no visible from any road, Officers are satisfied that the level of identified harm on non-designated heritage assets as a result of the proposed development is not adverse and is acceptable.

6.2.1 Urban design conclusion

- 54 In summary, the extension, due to its scale and design and use of high quality materials, would not harm the character and appearance of the host dwelling.
- 55 Officers, having regard to the statutory duties in respect of Conservation Areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would not bring any harm to the character or appearance of Forest Hill Conservation Area.

6.3 LIVING CONDITIONS OF NEIGHBOURS

General Policy

- 56 NPPF para 126 and 130 sets an expectation that new development will be designed to create places that amongst other things have a 'high standard' of amenity for existing

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

and future users. At para 185 it states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions.

- 57 This is reflected in relevant policies of the London Plan (D3), the Core Strategy (CP15), the Local Plan (DMP 31) and associated guidance (Alterations and Extensions SPD 2019).
- 58 The Council has published the Alterations and Extensions SPD (2019) which establishes generally acceptable standards relating to these matters (see below), although site context will mean these standards could be tightened or relaxed accordingly.

Discussion

- 59 *Single Storey Rear Extension:* The proposed rear extension would extend the shared boundary with No 72 and would extend beyond the rear elevation of No 72 by 3m. Concerns were raised regarding the difference in levels between the back gardens at Nos 70 and 72 and the impact of the proposed development on the amenities of neighbours living at No 72 given the window at the ground floor of No 72. Given that, the height has been lowered to 2.4m, the eaves height would be 3m from the garden level of No 72, and as the subject site is located to the east of No 72, considering the existing fence, the size of the two properties and the size of the rear gardens, the proposed rear extension is not expected to have an adverse impact on the amenities of neighbours living at No 72.
- 60 The proposed rear extension on its western elevation, looking towards No 68 would have a 4 slats folding door. Objection were raised regarding the impact on the amenities of No 68. However given the distance of the extension and the shared boundary with No 68 (3.95m) and the distance of 5.8m away from the main building, the difference in levels between No 68 and the subject site, the existing fence and greenery, the proposed extension would not have any adverse impact on the amenities of neighbours living at No 68.
- 61 The proposed alterations to the first floor fenestration to the rear and installation of one conservation style rooflight to the rear slopes of the main roof are not expected to have any impact on the amenities of neighbours to the sides.
- 62 *Loft extension:* The proposed dormer to the rear would not have any adverse impact on the amenities of neighbours at Nos 68 and 72, to the sides of the proposal site, as it would be sufficiently away from the neighbouring properties.
- 63 An objection was raised regarding noise disturbance. As no new dwelling is proposed within this application, and the proposals present a modest rear extension to a single family house, therefore no material change in noise levels would be expected after construction. It is recognised that during implementation of the development there would be some noise and disturbance from construction related activity, however this is a relatively short-term impact, given the scale of the proposed development and is not a material planning consideration.
- 64 There were concern regarding the impact on the party wall agreement. The applicant would be advised on the need to comply with the Party Wall Act 1996, which provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

65 In addition, concerns were raised regarding the impact of the proposed development, causing subsistence of the neighbouring properties. Lewisham Council requires submission of Structural Survey where: retained structure is changing significantly; or where development includes a basement; where development is affecting the foundations; and where proposal includes demolition of heritage asset. The proposal does not fall in any of the above categories, and therefore the objection is not considered relevant.

6.3.1 Impact on amenities of neighbours; Conclusion

66 The proposed development, would not have adverse impact on the amenities of its neighbours, in terms of creating a sense of enclosure, impact on day light/ sun light and impact on privacy and is therefore acceptable.

6.4 NATURAL ENVIRONMENT

General Policy

67 Contributing to conserving and enhancing the natural environment and reducing pollution is a core principle for planning.

68 The NPPF and NPPG promote the conservation and enhancement of the natural environment (chapter 15) and set out several principles to support those objectives.

69 NPPF para 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the sensitivity of the site or wider area to impacts that could arise from the development.

70 PLPP G6 and G7 sets out the Mayor of London's vision for Green Infrastructure as a multifunctional network that brings a wide range of benefits including among other things biodiversity, adapting to climate change, water management and individual and community health and well-being.

Discussion

71 No trees would be affected by the development. The proposed scheme would cover 7% of the back garden. An objection highlighted that the development would have an impact on the nature conservation and ecology. It is however noted that the application site is not within a Site of Importance to Nature Conservation, nor are any trees or habitats affected by the proposals. Therefore as the proposals are for a modest householder extension, it is considered that the proposal would have no adverse impact on ecology in this instance.

Conclusion

72 Officers consider that the proposed development would not adversely impact the green spaces, trees, and natural diversity and the proposed scheme is considered to be acceptable.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

7 LOCAL FINANCE CONSIDERATIONS

73 Under Section 70(2) of the Town and Country Planning Act 1990 (as amended), a local finance consideration means:

- a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy (CIL).

74 The weight to be attached to a local finance consideration remains a matter for the decision maker.

75 The CIL is therefore a material consideration.

76 CIL is chargeable on the net additional floor space of all new development. Since the proposal is not providing additional floor space CIL is not payable on this development.

8 EQUALITIES CONSIDERATIONS

77 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

78 In summary, the Council must, in the exercise of its function, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and persons who do not share it.

79 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the decision maker, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

80 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

guidance can be found at: <https://www.equalityhumanrights.com/en/publication-download/technical-guidance-public-sector-equality-duty-england>

- 81 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision-making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 82 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance>
- 83 The planning issues set out above do not include any factors that relate specifically to any of the equalities categories set out in the Act, and therefore it has been concluded that there is no impact on equality.

9 HUMAN RIGHTS IMPLICATIONS

- 84 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant including:
- Article 8: Respect for your private and family life, home and correspondence
 - Protocol 1, Article 1: Right to peaceful enjoyment of your property
- 85 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as Local Planning Authority.
- 86 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with the above Convention Rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Local Planning Authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

87 This application has the legitimate aim of providing a loft extension. The rights potentially engaged by this application, including Article 8 and Protocol 1 are not considered to be unlawfully interfered with by this proposal.

10 CONCLUSION

88 This application has been considered in the light of policies set out in the development plan and other material considerations.

89 The proposed alterations to the rear elevation and rear roof are acceptable in terms of scale, form, and design.

90 The proposal would have no unacceptable impact on neighbouring properties in terms of overlooking, loss of daylight/sunlight, noise or disturbance.

91 In light of the above, it is recommended that planning permission is approved

11 RECOMMENDATION

92 The proposal scheme is acceptable and it would not harm the living conditions of neighbours, and therefore, having regard to the statutory duties in respect of Conservation Areas in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs in the NPPF in relation to conserving the historic environment, are satisfied the proposal would not bring any harm to the character or appearance of Forest Hill Conservation Area.

11.1 CONDITIONS

1) FULL PLANNING PERMISSION TIME LIMIT

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: As required by Section 91 of the Town and Country Planning Act 1990.

2) The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and as detailed below:

20074_PLN_01 rev 0; 20074_PLN_02 rev 0; 20074_PLN_03 rev 0;
20074_PLN_04 rev 0; 20074_PLN_05 rev 0; 20074_PLN_06 rev 0; DESIGN AND
ACCESS & HERITAGE STATEMENT (received 27 Oct 2021)

Further Information (received 16 Dec 2021)

20074_PLN_07 Rev B; 20074_PLN_08 Rev B; 20074_PLN_09 Rev B;
20074_PLN_10 Rev B; 20074_PLN_11 Rev B (received 27 Jan 2022)

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>

Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application and is acceptable to the local planning authority.

- 3) No development above ground shall commence on site until a detailed schedule and specification/samples of all external materials and finishes/windows and external doors/roof coverings to be used on the building(s) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the local planning authority may be satisfied as to the external appearance of the building(s) and to comply with Policy 15 High quality design for Lewisham of the Core Strategy (June 2011) and Development Management Local Plan (November 2014) DM Policy 30 Urban design and local character.

11.2 INFORMATIVES

- 1) **Positive and Proactive Statement:** The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application, positive discussions took place which resulted in further information being submitted.

12 BACKGROUND PAPERS

93 Submission Drawings and Photos

94 Submission Technical Reports and Documents

13 REPORT AUTHOR AND CONTACT

95 Zahra Rad (Planning Officer)

Email: Zahra.Rad@lewisham.gov.uk

Telephone: 020 831 49153

Is this report easy to understand?

Please give us feedback so we can improve.

Go to <https://lewisham.gov.uk/contact-us/send-us-feedback-on-our-reports>